

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

YURI GARMASHOV,

Plaintiff,

Civil Action No.:

v.

1:21-cv-04917-JGK-OTW

UNITED STATES PARACHUTE
ASSOCIATION, INC.,

Defendant.

**DECLARATION OF KENNETH A. McLELLAN IN OPPOSITION TO PLAINTIFF'S
MOTION SEEKING TO HOLD USPA IN CONTEMPT OF COURT**

Kenneth A. McLellan, states that the following:

1. I am a member of the firm of WINGET, SPADAFORA & SCHWARTZBERG, LLP, representing, UNITED STATES PARACHUTE ASSOCIATION, INC., ("USPA") in this matter, and I submit the within declaration in opposition to Plaintiff's motion seeking to hold the USPA in contempt of Court, and in order to place true and correct copies of the following items before this Court.

2. Attached collectively as **EXHIBIT A** are the following: (a) an Email from counsel for the USPA, Kenneth A. McLellan, to Plaintiff's counsel, Alex Kaufman, dated February 20, 2023, sent at 6:43PM; (b) an attached letter from Kenneth McLellan to Alex Kaufman dated February 20, 2023; and (c) a Confidential Settlement and Mutual Release Agreement ("Settlement Agreement"), with an attached proposed stipulation of dismissal. We have redacted documents where necessary to protect the confidentiality of the settlement agreement language. The unredacted copies are in the possession of Plaintiff's counsel. These can be provided unredacted

to the Court *in camera* if requested, or can be supplied unredacted at the upcoming in-person conference scheduled for April 4, 2023.

3. Attached as **EXHIBIT B** is an Email from Alex Kaufman to Kenneth A. McLellan, dated February 21, 2023, sent at 12:40PM. Documents are redacted where appropriate, as indicated in Paragraph 2 above.

4. Attached as **EXHIBIT C** is an Email from Kenneth A. McLellan to Alex Kaufman, dated February 21, 2023, sent at 4:13PM, with attached updated red-lined and clean, execution versions of the Settlement Agreement. Documents are redacted where appropriate, as indicated in Paragraph 2 above.

5. Attached as **EXHIBIT D** is an Email from Alex Kaufman to Kenneth A. McLellan, dated February 22, 2023, sent at 10:28AM. Documents are redacted where appropriate, as indicated in Paragraph 2 above.

6. Attached collectively as **EXHIBIT E** is the following: (a) an email from Kenneth A. McLellan to Alex Kaufman, sent February 22, 2023, sent 9:09PM; (b) red-line of Settlement Agreement; and (c) clean, execution copy of Settlement Agreement. Documents are redacted where appropriate, as indicated in Paragraph 2 above.

7. Attached as **EXHIBIT F** is an Email from Alex Kaufman to Kenneth A. McLellan, dated November 30, 2022, sent at 11:02AM. Documents are redacted where appropriate, as indicated in Paragraph 2 above.

I declare pursuant to 28 U.S.C §1746(2) under penalty of perjury that the foregoing is true and correct.

WHEREFORE, it is respectfully requested that this Court deny Plaintiff's motion seeking to hold the USPA in contempt of Court. We also request that this Court issue further relief as may be just and proper under the circumstances.

Dated: New York, New York
March 17, 2023

Respectfully submitted,

**WINGET SPADAFORA
SCHWARTZBERG, LLP**

By: /s/ Kenneth A. McLellan

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